

60,137-027

**REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1, 6, and 12 have been amended. New claims 27 – 32 are presented. Accordingly, claims 1 – 32 are pending.

Claim 6 was rejected under 35 U.S.C. §112. Applicant respectfully submits that the claim as amended is in proper condition according to §112.

Claims 1, 3-9, 12, and 14-20 were rejected under 35 U.S.C. §102(b) as being anticipated by *Nennecker* (5,498,151). The Examiner admits that *Nennecker* does not show a piston that is square in cross section. In fact, *Nennecker* completely fails to disclose a piston which is rectilinear in cross-section. A 35 U.S.C. §102(b) rejection is therefore improper.

Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nennecker*. The Examiner admits that *Nennecker* does not show a piston that is square in cross section. As described above, *Nennecker* fails to disclose a piston which is rectilinear in cross-section and only discloses a conventional round piston. The Examiner points to the *Davis* case, however, this case is a 1966 case from the United States Court of Customs and Patent Appeals and is not binding case law at all at this point. The Examiner suggests that *changes in shape not effecting the operation of the device is considered within the skill of the ordinary artisan*. Of course, the Examiner does not cite to any prior art. The Examiner is essentially suggesting that it is always inherently obvious to change the shape of an element without any support in the prior art. This is improper. Moreover, the rectilinear shape provided by the present invention *does* affect operation. The rectilinear cross-section of the piston provides numerous advantages which are not suggested by the cited references. Some of these advantages are disclosed in paragraph [25] of the present application.

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Claims 1, 3-10 12, and 14-21 were rejected under 35 U.S.C. §102(b) as being anticipated by *Gumery, et al.* As described above with reference to *Nennecker*, *Gumery* also fails to disclose or suggest a piston which is rectilinear in cross-section.

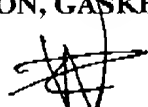
Claims 11 and 22-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nennecker* in view of *Schneider* or *Gumery* in view of *Schneider*. *Schneider* adds nothing to the base reference as *Schneider* also disclose perfectly conventional cylindrical pistons.

New claims 27 – 32 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

Please charge \$108 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for 6 claims in excess of 20. If any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,  
**CARLSON, GASKEY & OLDS, P.C.**



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